

Arizona Ombudsman-Citizens' Aide

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Members of the Arizona Legislature

The Honorable Janet Napolitano, Governor

Pursuant to A.R.S. § 41-1376, I have the honor of submitting my annual report on the performance of our office during calendar year 2004.

This is our ninth annual report and we hope it paints a picture of what our office does for the people of Arizona. As in previous reports, we have included a generous sampling of the kinds of problems that citizens bring to us and how we responded to them. We have also presented information that statute directs us to provide to the legislature, governor and public.

Our mission is to improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies and, when warranted, recommending fair and appropriate remedy.

We provide a unique service because we are an independent and objective place where citizens can go when their government has treated them unfairly. In addition to our formal investigative responsibilities, we provide numerous informal services to the public. For example, we can interpret for the public the sometimes cumbersome and confusing policies and procedures of a state agency. We also help people frame their issues in terms that fit the agency's charter and jurisdiction, as well as intervene on their behalf when they have a legitimate gripe.

Often citizens come to us convinced that an agency is targeting them personally. Since we work with all state agencies, we can assess their situation in a broader context. We check to see that the agency is treating this person the same way they treat everyone else and also compare what this particular agency did with how other agencies handle similar situations. If we can explain to the person that they are being treated the same way everyone else is, and explain the basis for that treatment, it might lessen their feeling that they are being targeted.

Since we are impartial, we can also explain the agency's rationale for doing something without sounding defensive and point out the complainants' share of the responsibility for the current situation without sounding judgmental.

Once complainants feel like someone actually listened to their side, gave them some honest and constructive feedback, and suggested steps to move toward a solution, the problem may seem much more manageable. If we can help someone get past the emotion of a situation, we usually can get them to work with us toward resolving the problem.

We provide a similar service for agencies. Agencies sometimes are so standardized, that they lose sight of the fact that citizens outside the agency don't understand the acronyms, policies and procedures.

For example, to the Department of Economic Security the term "Quest card" is synonymous with food stamps. But, to a citizen who called the fraud hotline to file a complaint about food stamp abuse, "Quest" sounded like the phone company. He didn't know where to report his allegations because the telephone message didn't mention food stamps.

The same applied to terms used on a vehicle registration application to ascertain whether or not the applicant qualified for a disability credit. When we pointed out to the Motor Vehicle Division that the term "service options" did not equate in most people's minds to "disability credit," they re-evaluated the application and changed the language so that people would know what they meant.

Sometimes, because agencies have given the same explanation for certain actions so many times, they don't realize that a particular person's situation is unique. As fresh eyes and ears, we may be able to catch something the agency missed, or explain a situation to the agency in a different and more relevant way.

We are very fortunate to be able to work with agency ombudsmen and liaisons who are always open to listening to our inquiries and answering our questions about seemingly routine processes. By working together, we are able to resolve issues and simplify state government not only for our citizens but for our state agencies as well.

We hope you find this report useful and informative. Please contact us if you have any questions or comments. We welcome the opportunity to sit down and discuss our program with you.

We could also use your help in spreading the word about the services we offer. If you know of someone who could use our help, please let us know so we can contact him or her.

Pat Shannahan
Ombudsman-Citizens' Aide

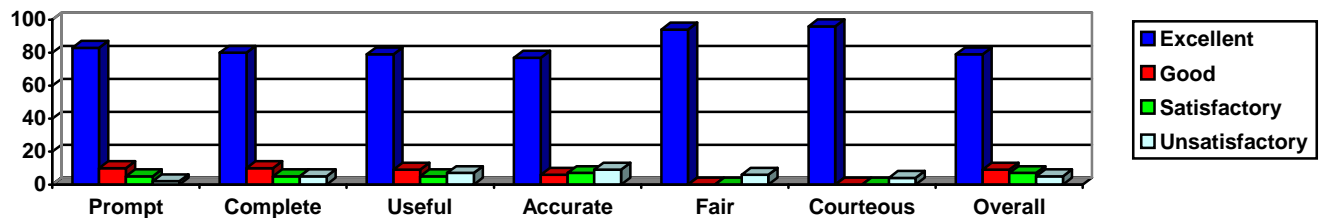
Customer Satisfaction Survey

It is important for us to receive feedback from the citizens we help so that we can evaluate our performance, correct shortcomings and improve our service. One way we get feedback is through our customer satisfaction survey. The survey measures how well we are accomplishing six standards that we developed in our strategic plan. These standards are:

- Respond **promptly** to citizen inquiries.
- Provide as **complete** a response as possible.
- Provide **useful** solutions to citizens.
- Provide **accurate** response to citizen complaints.
- Treat everyone **fairly**.
- Treat everyone **with courtesy and respect**.

The following chart and comments summarize the results of the survey for calendar year 2004:

Customer Satisfaction Survey Results -- Percent



Selected Survey Comments From the Past Year

I had been trying to resolve a situation with the employment office for over two months with no results. Your office took care of the problem in less than 1 1/2 hours. Thank you very much.

The staff were helpful beyond anything I had expected and recommended solutions I didn't know existed. Thank you and thanks for your excellent staff.

Ms. Goodson helped us more in a few months than we have received from ADOT in the past 3 years. She is very good.

Maricarmen was prompt, professional and caring. I can't thank her enough. The ombudsman should be very proud to have her as an employee.

If it weren't for you I most likely would have had to pay for someone else's error. Thank you very much!

Linda was above and beyond. Had completed and solved all issues in a few hours. The DES office could not do it in 3 months.

I was genuinely impressed with the service. Could not have been a better experience.

I have tried to resolve this issue on my own for over 2 years with no success. Dennis resolved it for me in 2 days! Thank you so much!

I can't believe how quickly you helped resolve my issue and you answer your phone! I have already passed your info on to others who need help.

Thanks ever so much for your quick, courteous, most satisfactory assistance.

Thank you so much. You helped me solve a child support issue in a few days that I had tried to solve on my own for months and months!

They were very quick to respond. Maricarmen, thank you very much.

If the Department of Revenue worked as well, Arizona would be an easier place to conduct business.

Thank you for helping me out. I didn't know where to turn and you helped me every step of the way.

I want to thank Paula for all her help and good personality. Please keep up the good work.

I have been dealing with this issue for 2 years and got very frustrated. Linda Stiles was excellent on everything - no complaints - thank you!

The Ombudsman saved my faith in fairness.

It is a pleasure to praise your people and agency. Without your help - I would have had problems. Dealing with DES is very difficult and time consuming, and expensive; your people were most helpful. I only wish the same spirit could be imparted to DES because a complete overhaul of DES is overdue!! Keep up the good work. Go further!

The gentleman who helped me was very efficient and took the time to call me back on two occasions to make sure my problem was solved.

How We Help People

The first thing we do is listen to the person's complaint. For some people this is the first time they feel that someone in government actually did listen to them. We then classify our response to their inquiry into three categories:

1. Coaching. Quite often, people come to us with problems they could handle themselves, if only they knew how. We try to help these folks by giving them the tools they need to go out and be their own advocates.

Coaching includes:

- ✓ defining issues and rights,
- ✓ identifying options and interests,
- ✓ referring people to the right administrator;
- ✓ explaining the process and helping them get started,
- ✓ identifying and researching information, and
- ✓ developing reasonable expectations.

Coaching is the starting point for all our cases and may be enough to give citizens the information and confidence they need to address their problems on their own.

2. Informal Assistance. Sometimes coaching isn't enough and people need a helping hand. Most complaints are the result of miscommunication, a simple mistake, or a glitch that caused the normal administrative process to break down. We try to resolve these problems as quickly and informally as possible. We may call an agency on the citizen's behalf, facilitate a meeting between the citizen and agency, or coordinate an action between agencies. We can also help people gather the documents they need to prove their cases. Assistance focuses on solving the problem, instead of assigning blame.

3. Investigation. Some complaints are more serious and don't lend themselves to informal techniques. When the nature of the complaint warrants, we conduct an investigation. If we believe the complaint is justified, we work with the parties to try to reach an appropriate solution. Although we have no authority to compel an agency to follow our recommendations, most administrators are more than willing to resolve a legitimate problem once we bring it to their attention. If the complaint is not justified, we go back to the complainant and explain what we found and why we believe the agency acted appropriately. If necessary, we write a report of our findings and recommendations and send it to the agency, legislature, governor, public, and/or attorney general, as appropriate.

Value

At this point in our report we usually offer examples of the kinds of problems we help resolve so you can get a better understanding of what we do. Simply providing case examples and statistics does not go far enough to reflect the value we provide to citizens and government. So, we borrowed an idea from the Ombudsman for Canada's Military Forces and organized our case summaries into categories. For this year's report we selected six categories that better show the kinds of things we do.

- Did we resolve a case that involved more than one agency or more than one level of government?
- Did we resolve a case that no one else was able to resolve internally?
- Did we provide an alternative avenue to a more expensive dispute resolution mechanism?
- Did our intervention lead to a change in an agency's policy, procedure or practice?
- Did we discover a field practice that was not in accordance with the agency's stated policy/procedure?
- Did our intervention result in better service to citizens?

We hope the following examples will give you a sense of the value we provide to the people of Arizona.

Case Examples from the Past Year

Did we resolve a case that involved more than one agency or more than one level of government?

20040163. A property owner had a problem with an easement that was being used by his neighbor. He said his neighbor was using the illegal easement to unsafely enter onto US-60. He was worried that someone using the easement would cause an accident and that he would be sued. The complainant contacted the Arizona Department of Transportation (ADOT) several times about the issue but got no resolution.

The ADOT Director's Office referred us to the person in the engineering department who was overseeing the project. He told us that ADOT was working with the county to create an official access road that would do away with the need for the easement. However, he also said that the county was holding up the creation of this road because it did not fulfill its responsibilities.

We contacted the county and talked with the engineer in charge of the job. He said ADOT was holding things up because they did not do what they promised. We, therefore, got the ADOT representative together with the county engineer. They both agreed to complete their part of the work on the new access road within six weeks. ADOT's Assistant Attorney General, in turn, agreed to require that the illegal easement be closed within 30 days. This solution eliminated the complainant's problem about access through his property and provided a safe access to US-60.

20040054. A Child Protective Services (CPS) case manager asked for our help in getting a birth certificate for a child in CPS custody. CPS needed the birth certificate to complete an adoption, but because the mother was not available, CPS was having trouble getting it.

We connected the CPS worker with the person in the Department of Health Services, Office of Vital Records who could assist him. They worked together with the attorneys for CPS and DHS to get the court order needed for the certificate to be issued.

CPS told us this was a systemic problem and that they had been having repeated problems getting birth certificates for children who were being adopted. Therefore, we brought the problem to the attention of DHS. DHS administration organized a meeting of all stakeholders and put together a plan to work closely with CPS to expedite and resolve problems with obtaining birth certificates so that adoptions could proceed without barriers.

20042386. A man bought a truck in Arizona and later tried to register it in Kansas. He ran into a bureaucratic obstacle when he learned that Kansas wanted to hold the official title. They would not register his truck unless he provided the title to them. Unfortunately, he had a lien on the truck and, according to Arizona law, the lien holder

held the title. He tried to get a duplicate title from Arizona for over a year, but was not successful because the Motor Vehicle Division (MVD) could only send a title to the lien holder.

We contacted MVD in Kansas to explain the Arizona law and see if there were any other options. They explained their requirements to us so that we could work with the lien holder and MVD to get the documents to the right agency in Kansas.

We contacted MVD and they contacted the lien holder. Once the lien holder submitted a request for a duplicate title, MVD sent the duplicate title to the lien holder and the lien holder forwarded it to Kansas so the man could register the vehicle there.

This case involved agencies from two different states which have different laws and, therefore, different requirements. This makes it difficult for people to complete certain transactions because they are caught between the two bureaucracies. We were able to get the two agencies and the lien holder to work together and make the registration of his truck possible.

20042623. An Arizona resident asked if any state agency would provide a letter proving he was a resident of Arizona. He was attempting to get a corporate license in the state of Oregon and that state told him they required such a letter.

After speaking with staff at the Motor Vehicle Division, Department of Revenue and the Secretary of State, we confirmed that Arizona does not issue such a letter. As a result, we sent the caller a letter from our office that explained this fact and clarified that in Arizona, items such as tax returns, driver's licenses and voter registration cards serve as proof of residency. The man was able to combine this letter with other documents to satisfy Oregon's requirement.

20041809. A motorist tried to reinstate his driver's license, but couldn't because his Motor Vehicle Division (MVD) record showed that he had an unpaid ticket in Holbrook. Even though he had paid off the ticket and cleared his record a month previously, the court had not sent the paperwork to MVD to update the record. As a result, MVD could not reinstate his privileges.

We contacted MVD and the Holbrook court. MVD was able to verify that the ticket had been paid so they updated his record. As a result, he was able to reinstate via the Internet.

This case involved agencies from state and county. The information may take some time to reach one agency from the other and this can delay completing transactions. Thanks to our contact to both agencies, they were able to share information and update the man's record so that he could drive again. We also learned during this case that the courts and MVD are working on setting up an electronic system that would allow the courts to enter their information in a database that would automatically update the MVD records and therefore eliminate the delays.

Did we resolve a case that no one else was able to resolve internally?

20040637. A homeless mother had obtained child care through Child Protective Services (CPS). After she found a home and a new job, CPS closed her case. However, when she applied for child care through another Department of Economic Security (DES) program, they told her that they could not approve her because CPS still had their case open. She couldn't start the new job without child care.

We worked with CPS and the Child Care Administration and learned that a computer glitch caused her closed case to appear open. The information technology person at DES fixed the problem and in a couple of days she was able to obtain child care so that she could start her job and get back on her feet.

20043105. A widow was having trouble getting payment from her husband's state retirement after he died in an accident. She said she had received a letter from the Arizona State Retirement System (ASRS) that she would be receiving the money within 30 days. Nine months later, she still had not received it. When she contacted customer service, the automated system told her the social security number was wrong.

We found out that the actual problem was that ASRS couldn't find a copy of her birth certificate. Once ASRS found the certificate, they wrote the check and overnighted it to the widow.

20041862. A father told us he and his children's mother had been married for four years. Even though he sent a copy of his marriage certificate to the Division of Child Support Enforcement (DCSE) on three different occasions, he had not been able to get them to close his child support case.

We sent DCSE a copy of the marriage certificate and they forwarded it to the local office to close the case. We confirmed that the marriage certificate finally got to the appropriate person and that DCSE closed the case so the father could stop paying child support for children who were living with him.

20042466. A mother, whose child was removed by Child Protective Services (CPS), complained that she had gone to the past three visits, but the worker had not shown up with her child.

We contacted the agency and found that the mother was correct. CPS did not show up for the visits because the person in charge of the visits was on administrative leave. We also learned that the supervisor had not contacted the mother to let her know that the visits were cancelled, or to make other arrangements.

CPS restarted visitations immediately after our call and also found a back up person for when the established worker was out. We were able to have the agency finally let the mother see her child and also have them organize a back-up plan so that this does not happen again. We also made sure management knew that the supervisor of the

caseworker had not done enough to contact the mother or to find someone else to facilitate the visits.

20043303. A student was receiving cash assistance, food stamps and medical coverage and needed a periodic interview so that those benefits would continue. She was currently enrolled in school full-time through a Department of Economic Security employment and job training program. This program is mandatory for people who receive benefits. Since her class schedule was Tuesday through Saturday, she was only available for interviews on Mondays. She had requested interviews on Mondays and provided documentation from her program to DES. Unfortunately, DES scheduled the interviews for class days and told her that her reason for missing the appointments was not sufficient.

We contacted the DES Ombudsman, who called the local office directly and had them schedule a Monday interview.

20042738. A husband and wife discovered when refinancing their home that the Division of Child Support Enforcement (DCSE) was reporting to the credit bureaus that he had not paid off a judgment for back child support. They were upset because he had paid the debt off in July of 1996.

We contacted DCSE and learned that while the husband had paid the judgment in full, no one had filed a Satisfaction of Judgment. DCSE forwarded the necessary paperwork to the custodial parent so she could file it with the court. When we later followed up on this case, we learned that the credit history now showed the arrears were paid in full.

Did we provide an alternative avenue to a more expensive dispute resolution mechanism?

20040237. An out of state visitor had been trying to get the state to pay a claim for damage a state snowplow caused to his rental car. He had written and called Risk Management who finally told him he had to fill out a form. The form was delayed in the mail and when the state received it, they told the man he was too late. The man sought our help as a last resort before he took the state to court.

We contacted Risk Management and discussed all the problems the man had encountered as he submitted the claim. They agreed to waive the 180 day filing deadline and paid the claim. The man did not have to go to court to settle the matter.

20042124. A woman wrote to us about her medical, child care and food stamp cases. She said she had provided the necessary information to the Department of Economic Security (DES), but that DES had entered incorrect information into her case record. As a result, it denied her application. When she disputed this decision, DES set up a hearing.

Before the hearing, she went back to the office with the correct information a second time. At that visit, DES corrected the information, cancelled the hearing, and said she was approved. Unfortunately, she wasn't approved and DES decided she now had to start all over again.

We contacted DES. They reviewed her case with the accurate information that they already had and approved her application, thus saving the cost of a hearing and reapplication.

20042315. A prior complainant contacted us because a problem that he thought he had resolved with the Division of Child Support Enforcement (DCSE) last year was not really resolved. As a result, DCSE was still garnishing his unemployment checks for support that he did not owe.

We reopened the case and substantiated his allegation because his case should have been closed the prior year. We were surprised to learn that the agency had not closed the case, even after they had told us they would. After our contact this time, they issued a refund check for the money that they had already garnished and closed the case. We followed up with the agency and verified that the case was finally closed.

If it was not for our intervention, this father would have continued accruing debts and having his wages garnished. Even with our assistance it was hard to resolve this problem. If we had not helped him, he would have gone to court to get his money back and it would have cost him and the state more money than just resolving it informally.

20042843. A representative from a mortuary alleged that the State Veteran's home was illegally withholding payment for a funeral and he was considering suing the state.

We spoke to the administrator of the state Veteran's Home. He acknowledged that the home's social worker had confirmed to the mortuary that there was enough money in the resident's account to pay for the funeral. He said, however, that when it was time to pay, after other expenses had been debited, there was no longer enough money in the account to cover the entire bill.

However, after conferring with the director, the administrator decided to settle the bill for "goodwill" purposes. The funeral director later called us letting us know that the bill had been paid in full, thus saving the cost of litigation.

Did our intervention lead to a change in an agency's policy, procedure or practice?

20040139. A mother was upset because she had not received child support, even though the money was taken out of her former husband's check.

We followed up with the Division of Child Support Enforcement (DCSE). Because dad got paid on an odd schedule, the money for his December payment was taken out of his November 30 check. Because the check was for the period ending November 30, the DCSE computer system would not allow it to be credited for December and sent the overpayment back to dad. He then had to re-send the money and indicate that it was for the December payment. By the time mom finally received the December payment, it was almost Christmas.

Because of this case and others like it, DCSE changed the way it gets the information from employers. Whenever there is a question of which month a payment should be credited to, the agency will contact the employer directly to resolve the issue.

20042292. A motorist was not aware that Arizona statutes allowed for an exemption of his vehicle license tax because he was 100% disabled. We worked with him and the Motor Vehicle Division (MVD) to get his exemption processed for the current year, but he complained that he should have been exempt for the past ten years and was due a refund.

We investigated his claim and found that statutes do not allow MVD to refund taxes paid in previous years. Nevertheless, we also thought that the wording on the registration application was not clear. MVD agreed to reword the application so that in the future motorists would be aware of the exemptions for which they qualified.

20041861. A couple filed a fair housing complaint with the Civil Rights Division of the Attorney General's Office (AG). After 21 months, the decision went against them because they did not submit enough evidence. The letter the AG sent them said that they could submit new evidence right away and ask for a rehearing. Three weeks later, they received another letter that informed them that their case was closed because they did not respond in time. They thought this was not fair because the AG's letter did not give them a deadline.

We contacted the Civil Rights Division who agreed that the letter should be more specific. They changed the template for this form letter so that it now includes a timeline. They also asked the woman to send them the new evidence she wanted to submit and they would reconsider.

20042260. The Division of Child Support Enforcement (DCSE) filed a lien against the property of a non-custodial mother because she owed significant arrears on her child support. She complained that DCSE violated her privacy because the lien contained her social security number.

Our investigation revealed that DCSE used federal forms and these forms included the person's full social security number. However, a new state law that was to become effective in January 2005 prohibited state agencies from printing any public document that include a person's full social security number.

DCSE was already working on measures to comply with the new law. They created new state forms that only used the last four digits of the social security number and were waiting for federal approval of these forms so they could implement the change.

After our investigation and per our request, DCSE filed an amended lien with the county, using only the person's last four digits. We requested that they start doing this with all new liens until the new forms came out and they agreed. They also agreed to amend liens that had already been filed on a case by case basis. We followed up with the agency and confirmed that the new forms were in place at the start of 2005.

Our efforts helped this mother get her social security number removed from a public record and also helped prevent further social security numbers from being divulged until the new law was implemented.

Did we discover a field practice that was not in accordance with the agency's stated policy/procedure?

20042380. When an elderly man went in to renew his license, the local Motor Vehicle Division (MVD) office asked him for two additional forms of photo identification even though he was turning in an Arizona license.

We looked into it and found that they did ask him for two forms of identification and that this particular office was doing that with everyone renewing an Arizona license. MVD policy states that when a person is renewing a valid Arizona license, no further documentation is needed. At our request, the Director's Office corrected the problem by contacting the supervisor of that office and making her aware of the correct policy and sending a reminder of the policy regarding identification requirements to all field offices.

If we had not intervened, this field office would have continued these practices and no one else within the agency was aware of this. Thanks to our office, this field office, and possibly others doing the same thing, were made aware of their error and were able to correct it and get the correct information of what requirements were needed to renew a valid AZ license.

20041274. A woman applied for vocational rehabilitation services in 2001 and was denied. She appealed several times and The Department of Economic Security Vocational Rehabilitation Office (VR) denied her appeal every time. She complained to us because she received Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) and understood that made her automatically eligible for vocational rehabilitation services.

We contacted VR and learned that she was right. Recipients of SSDI are automatically eligible for services unless it is proven that they could not benefit. VR could not locate the woman's file. They told us, however, that they should not have denied her services

without proving that she could not benefit from them. With our assistance the complainant appealed the decision and the action was corrected.

Did our intervention result in better service to citizens?

20042850. When a motorist renewed his driver's license several years ago, the Motor Vehicle Division (MVD) employee who took his picture accidentally put the picture of the person in front of him in line on the license. When the man pointed it out, the employee redid the license and put the one with the wrong picture into a box.

The man went to renew his license this year because he would be 65 the next week. When MVD pulled up the license file the two photos came up. MVD told him there was an identity theft and they would have to send the matter to the Office of Special Investigations (OSI). Even though the man needed his license for work, OSI told him it would take several months for them to complete the investigation.

We contacted the MVD director's office. They contacted OSI, resolved the situation and renewed the license.

20041118. A food stamp recipient complained that the Department of Economic Security (DES) eligibility determination worker told him two weeks ago that his food stamps were put onto his card, even though they weren't. When he called the worker, she told him there must be something wrong with his card and for him to come into the local office so the card could be checked. When he went to the office he was told there was nothing wrong with the card and that the worker had not processed his case yet.

At our request, the DES ombudsman checked the system and verified that the complainant's food stamps were credited to his account. But, the card still did not work.

We had the complainant read to us the number actually printed on his card and called the customer service hotline ourselves. The hotline stated that no funds were available. We finally resolved the problem when we found out that the number on the card DES issued to the complainant was not the one keyed into their computer system. DES corrected the problem.

20040438. A new car owner complained that the auto dealership told him that he could only register his new car for one year and any credit he had left from his old plates could not be applied toward other vehicles.

We contacted MVD. They agreed that he should have been able to register the new car for two years and apply the entire credit. The MVD Director's office helped the man resolve the problem over the phone.

CPS Ombudsman's Report

CPS workers are required to communicate with a myriad of individuals throughout investigations and dependency cases. They must communicate with children, parents, relatives, service providers, attorneys, court-appointed special advocates (CASA), Foster Care Review Board (FCRB) staff and volunteers, and many more specific to each case. Ideally, each communication would be clear and accurate with enough explanation to respond to any questions asked, while at the same time protecting the confidentiality of the family when appropriate. It is a constant balancing act that case workers learn and improve upon with experience.

A good number of our complaints about CPS come from imperfect communications. For example, what the parents may hear as a threat made by a CPS worker, may be the CPS worker giving the parent choices. The CPS investigator may tell the parents that they can voluntarily place their children with a relative or friend until CPS completes the investigation, or CPS will remove the children to ensure their safety while CPS proceeds with the investigation. If the investigation involves serious allegations of abuse or neglect, it often is necessary to have the children out of the home during the investigation to ensure their safety. How the parent hears the information given them by CPS is in large part dependent on the message's delivery which includes the words and tone used as well as the attitude of the CPS worker.

Many of our complainants don't feel that they have been heard by their CPS worker, and others are not satisfied with the explanations they have received from CPS. We have been able to assist in many of these cases by listening to the complainant and offering suggestions of how they can better communicate on their end, or by relaying a message to the CPS worker that the complainant didn't understand what they were told previously by the worker. In all cases, we encourage the complainant to attempt to communicate with CPS any concerns they have if they haven't made that attempt prior to contacting us. We also provide feedback to CPS about how they can more clearly communicate with families.

In some cases, we can explain to a complainant why CPS has done something, or not done something. We can put it in terms that typically may not be used by CPS workers. For example, one grandfather complained to us that CPS was pushing his granddaughter on her biological father who had never shown an interest in the child prior to CPS involvement. The grandfather, with whom the child was placed, believed that the father did not deserve to even see his daughter since he had never parented her nor provided any support for her. We explained to the grandfather that CPS is legally required to work with both biological parents in a dependency case. If CPS were to move toward severing the father's rights at some point in the case, which was the grandfather's desired outcome, CPS would need to prove to the court that the agency had made a reasonable effort to reunite the father with his daughter. CPS' reasonable effort includes offering the father services to improve his parenting skills and visits if it is believed the child would be safe and not emotionally harmed by having supervised visits

with her father. The grandfather had not understood prior to talking to us that CPS had legal requirements to meet.

On a wider scope than individual cases, public education about the child welfare system and its processes would benefit the agency as well as the public. Members of the public often don't understand CPS' authority and responsibilities. For example, one paternal grandmother called us to complain that CPS would not get involved and investigate her allegations that the mother abandoned her child. Per the grandmother, when she called the CPS hotline to report the mother's abandonment, she also told the hotline worker that she was willing and able to care for the child until the mother returned for the child. The mother had left the child with the grandmother in the past and had always returned at some point for the child. We explained to the grandmother that since she, the grandmother, was willing and able to care for the child and had agreed to care for the child when the mother left the child with her, it did not meet the criteria for abandonment or neglect by the mother. We referred the grandmother to a grandparent's organization that could advise her on legal steps to take to protect herself as well as the child.

In another case, the mother contacted us to complain that CPS filed a dependency petition unnecessarily. Despite CPS putting in place in-home Family Preservation services, she asked CPS to remove her child for a week. At the end of 72 hours, the period of time CPS can hold a child without filing a dependency petition or returning the child, CPS asked the mother if she wanted the child returned. The mother declined saying she wasn't ready to have the child back at home. CPS legally could not hold the child in custody any longer without filing a dependency petition. Alternatively, the mother could sign a voluntary placement agreement and agree to participate in services. The mother was not willing to participate in services and felt that CPS incorrectly stated in the dependency petition that she abandoned her son. We explained to the mother CPS' legal requirements regarding removing a child and keeping a child in state custody. While she eventually understood CPS' legal requirements, she felt betrayed by the agency to which she had gone for help.

In every case, CPS communicates with its clients in writing as well as verbally. Per statute, CPS is required to notify parents in writing of their rights and responsibilities in a CPS investigation and ongoing case. Statute also requires CPS to inform the parent about the report and allegations that CPS received. However, statute does not require that CPS put the allegations in writing.

To meet the legal requirement to notify parents in writing of their rights, CPS gives parents a pamphlet entitled "A Guide to CPS." Versions of the pamphlet dated November 2002 and April 2004 that are still in distribution incorrectly report that CPS is required to inform families in writing the specific allegations of abuse or neglect that CPS received in a hotline report. We have received complaints that CPS is not following appropriate procedures by not giving the parents the allegations in writing as the brochure states. We do not substantiate that CPS is disregarding statute or policy, but the agency is distributing outdated and incorrect information. We are reviewing

proposed changes to the brochure with DES policy staff to ensure that correct information will be provided to families in the future.

In addition to working with families on individual complaints, as the appointed ombudsman for CPS, I participated as a member of the Citizen Review Panel (CRP) throughout 2004. The CRP reviews child deaths and near-deaths in families that were known to CPS prior to the fatal or near-fatal incident. The CRP reviews and discusses the specific cases to identify whether CPS and other involved parties, such as law enforcement and the medical community, followed appropriate policies and procedures. We then make recommendations to improve those policies and procedures.

In 2004, the CRP reviewed 25 cases. In the majority of the cases, the CRP found that the investigations were thorough and the safety issues were addressed in the investigations prior to the death or near death. But in five of those cases, the CRP found that immediate and adequate steps were not taken to ensure the safety of the children. And in at least three cases, the CRP found that the identified risks were not sufficiently resolved prior to CPS closing the case. Among the recommendations made by the CRP in 2004 was that law enforcement and hospitals report suspicious injuries to CPS in a timelier manner. In at least two cases, hospital emergency personnel had not reported at all to CPS a suspicious injury that occurred to a child prior to his or her death. The CRP recommended that CPS provide feedback to a hospital's quality improvement team when that hospital treated a child that later died as a result of abuse.

In the Spring of 2004, CPS implemented a risk assessment tool to help case managers identify issues in the family that put the child at risk of abuse or neglect. The risk assessment tool is in addition to the safety assessment that was implemented in 2003 to evaluate whether the child is safe or unsafe and address the issues that make a child unsafe. Only once the risks and safety issues are identified can they be appropriately and thoroughly addressed by CPS to prevent future abuse or neglect. The CRP intends to review these assessments as part of its case reviews to evaluate whether CPS has identified and addressed the risks and safety issues present in the home prior to closing a case.

During the annual U.S. Ombudsman Association conference in October 2004, I met with other children's ombudsmen from around the country. We discussed the similarities and differences in our powers and responsibilities as well as recent issues we have faced. As a result of that meeting, I pursued and gained access to CPS' case management system, CHILDS, so that I have direct access to agency records for which our office is authorized in statute. Our office no longer has to rely solely on what the agency shares with us on an immediate basis. We will still review hard files on the more in-depth investigations, but for many of our cases, we will be able to respond to complainants quicker with basic information specific to their case.

Ellen Stenson
Assistant Ombudsman for CPS

The Ombudsman and Staff

As I mentioned in my last semi-annual report, Linda Stiles left our office to become the Executive Director of Arizona Clean and Beautiful. Linda was a tremendous asset to our office and we all miss her, including the people we serve and the agency liaisons we work with. We wish her well.

Kristin Borns joined our staff to replace Linda. Kristin is a former performance auditor with the Auditor General's Office. She has a bachelor's degree from Northern Arizona University and a master's degree from Arizona State University. Welcome Kristin.

Patrick Shannahan, Ombudsman-Citizens' Aide. Pat was appointed Arizona's first Ombudsman-Citizens' Aide on July 1, 1996. He is a former military officer with extensive experience in management, problem solving, strategic planning, and negotiation. Pat's last military assignment was with the Joint Chiefs of Staff where he participated in international arms control negotiations, represented the Joint Chiefs at interagency working groups and helped formulate national security policy. Pat has completed the mediation training program presented by the Attorney General's Office and investigator training through the Council on Licensure, Enforcement and Regulation. He has a bachelor's degree from Arizona State University, a master's degree from Webster University and was a research fellow at the National Defense University in Washington DC. He is active in the United States Ombudsman Association and the Arizona State University Alumni Association.

Paula Goodson, Deputy Ombudsman. Paula joined the office in 2001 after serving eight years with the Governor's Division for Women, two as director. Immediately before joining the office, Paula worked with senior volunteers in the Sun Cities area. While with the Governor's Office, Paula worked with employment and training programs, women in business, displaced homemakers, welfare to work, community based organizations and acted as community liaison and advocate through that office to the Governor. Paula has over 20 years experience working in the human resources and customer services areas. She has completed mediation training through Accord Mediation Services. She has also completed ombudsman training sponsored by The Ombudsman Association and investigator training through the Council on Licensure, Enforcement and Regulation.

Ellen Stenson, Assistant Ombudsman for CPS. Ellen became an assistant ombudsman-citizens' aide in July 1997. After five years as a general ombudsman, she now focuses solely on complaints about Child Protective Services. Ellen completed mediation training through the Maricopa County Superior Court Dispute Resolution Alternatives office and mediates small claims cases in the justice courts. She has also completed Ombudsman training sponsored by The Ombudsman Association, and basic and advanced investigator training through the Council on Licensure, Enforcement and Regulation. She is a graduate of Arizona State University.

Maricarmen Martinez, Assistant Ombudsman. Maricarmen joined the office in July 2002 after working with the Arizona Department of Transportation's Motor Vehicle Division for eight years. While working with MVD, she served as a supervisor at the call center inside Perryville prison, which allowed her to gain knowledge of the Department of Corrections policies, procedures, and rules. Her last position with MVD was in the Director's office, where she assisted constituents in researching and solving the most difficult problems within the division. She also volunteered with the Juvenile Probation system assisting in pre-court hearings. She attended law school at the Ibero-Americana University in Mexico City and is fluent in Spanish. Maricarmen has completed mediation training through Hy-View Mediation Services and Ombudsman training through the United States Ombudsman Association. She has also completed the Basic Regulatory Investigator Course.

Kristin Borns, Assistant Ombudsman. Kristin joined the office in September 2004. Her prior work experience includes working as a performance auditor for both state agencies and school districts at the Arizona Office of the Auditor General. Kristin has a bachelor's degree from Northern Arizona University and a Master of Public Administration from Arizona State University.

Kristin has attended the Ombudsman Orientation by the United States Ombudsman Association and the 40 hour mediator training course by the Attorney General's Office. She is currently attending the Basic Regulatory Investigator Course at the Arizona Government University.

CONTACTS BY AGENCY

Agency	Coaching	Assistance	Investigation	Total
Acupuncture, Board of Examiners of	1	0	0	1
Administration, Department of	16	12	4	32
Administrative Hearings, Office of	2	0	1	3
Agriculture, Department of	2	0	0	2
AHCCCS	57	68	3	128
Appraisal, Arizona Board of	1	1	1	3
Arizona Criminal Justice Commission	2	1	0	3
Arizona State Hospital	2	0	2	4
Attorney General, Office of	24	12	2	38
Auditor General	2	0	0	2
Banking Department	14	0	0	14
Barbers, Arizona Board of	2	0	0	2
Behavioral Health Examiners, State Board of	4	11	0	15
Building & Fire Safety, Department of	7	1	1	9
Charter Schools, Arizona State Board of	1	0	0	1
Chiropractic Examiners, State Board of	5	2	1	8
Commerce, Department of	4	1	0	5
Compensation Fund	1	0	0	1
Corporation Commission	28	7	1	36
Corrections, Department of	25	3	0	28
Cosmetology, Board of	5	3	0	8
Deaf and Blind, Arizona School for the	0	0	1	1
Dental Examiners, Board of	8	8	7	23
DES - Aging & Community Services	53	11	3	67
DES - Benefits and Medical Eligibility	54	159	3	216
DES - Child Protective Services	389	384	41	814
DES - Child Support Enforcement	47	178	24	249
DES - Children and Family Services	6	28	0	34
DES - Developmental Disabilities	6	12	2	20
DES - Employment and Rehabilitation	23	39	3	65
DES - Other	18	11	2	31
Developmental Disabilities Council	0	0	1	1
Disease Control Research Commission	0	1	0	1
Education, Department of	9	1	1	11
Environmental Quality, Department of	3	0	1	4
Fingerprinting, Board of	1	3	0	4
Fire Marshall	1	0	0	1
Funeral Directors & Embalmers, State Board of	1	2	0	3
Game and Fish, Department of	0	2	0	2
Gaming, Department of	1	1	0	2
Government Information Technology Agency	1	0	0	1
Governor, Office of	15	2	0	17
Health Services, Department of	72	14	5	91
Health Services, Vital Records Office	9	8	0	17
Industrial Commission	31	14	0	45
Insurance, Department of	26	7	1	34
Judicial Conduct, Commission on	2	0	1	3
Land, Department of	4	2	0	6
Legislature	35	0	1	36
Liquor Licenses and Control, Department of	1	3	0	4

Manufactured Housing, Office of	1	0	0	1
Massage Therapy, State Board of	9	5	2	16
Medical Board, Arizona	26	9	4	39
Nursing Care Institution Administrators & Assisted Living Managers Examiners Board	1	1	1	3
Nursing, State Board of	8	3	1	12
Occupational Therapy Examiners, Board of	1	0	0	1
Ombudsman	37	1	0	38
Optometry, State Board of	4	0	0	4
Osteopathic Examiners in Medicine and Surgery, Board of	1	1	0	2
Other - Government	330	17	0	347
Other - Private	456	10	0	466
Personnel Board	1	1	0	2
Pharmacy, Board	1	2	0	3
Physical Therapy Examiners, Board of	2	1	2	5
Pioneers Home	2	2	1	5
Private Post-Secondary Education, Board for	2	0	0	2
Psychologist Examiners, State Board of	3	1	3	7
Public Safety, Department of	6	2	3	11
Racing, Department of	1	1	2	4
Real Estate, Department of	12	7	2	21
Regents, Arizona Board of	3	1	0	4
Registrar of Contractors	18	21	9	48
Respiratory Care Examiners, Board of	3	1	0	4
Retirement System, Arizona State	12	20	3	35
Revenue, Department of	24	17	0	41
School Facilities Board	0	1	0	1
Secretary of State, Office of	14	6	0	20
Structural Pest Control Commission	5	2	1	8
Supreme Court	7	0	0	7
Technical Registration, Board of	5	2	0	7
Transportation, Department of	10	9	1	20
Transportation-Motor Vehicle Division	43	67	8	118
Veterans Home	0	0	1	1
Veterans' Services, Department of	8	4	1	13
Veterinary Medical Examining Board	8	3	2	13
Weights and Measures, Department of	2	0	0	2
TOTAL NUMBER OF CONTACTS	2087	1230	160	3477

REQUESTS FOR INVESTIGATION

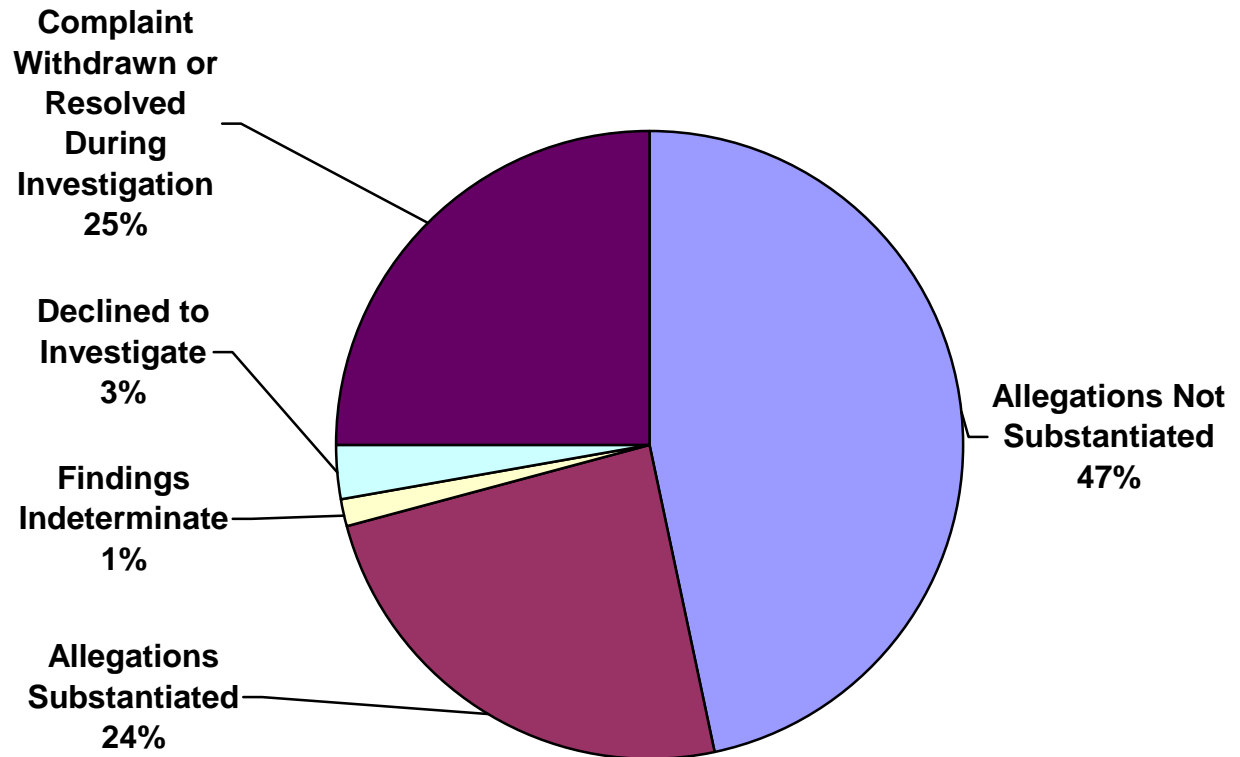
Declined*	4
Complaint withdrawn or resolved during investigation	36
Investigation completed	104
Ongoing	16
TOTAL REQUESTS FOR INVESTIGATION	160

* The Ombudsman-Citizens' Aide has the statutory authority to decline to investigate a complaint if there is another adequate remedy available; the complaint relates to a matter that is outside the duties of the ombudsman-citizens aide; the complaint relates to an administrative act that the complainant has had knowledge of for an unreasonable time period; the complainant does not have a sufficient personal interest in the subject matter of the complaint; the complaint is trivial or made in bad faith; or the resources of the office of ombudsman-citizens aide are insufficient to adequately investigate the complaint.

INVESTIGATIVE FINDINGS

SUPPORTED/PARTIALLY SUPPORTED		35
Requires further consideration by agency	5	
Other action by agency required	13	
Referred to the legislature for further action		
Action was arbitrary or capricious		
Action was abuse of discretion	3	
Administrative act requires modification/cancellation	10	
Action was not according to law	5	
Reasons for administrative act required	1	
Statute or Rule requires amendment	1	
Insufficient or no grounds for administrative act	2	
INDETERMINATE		2
NOT SUPPORTED		67
TOTAL COMPLETED INVESTIGATIONS		104

Results of Investigations



- Allegations Not Substantiated
- Allegations Substantiated
- Findings Indeterminate
- Declined to Investigate
- Complaint Withdrawn or Resolved During Investigation